

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

DARRELL JAMES,

Petitioner,

v.

CIVIL ACTION NO. 5:04-cv-01223

MARTY C. ANDERSON,

Respondent.

**MEMORANDUM OPINION**

On November 15, 2004, Petitioner filed a Petition under 28 U.S.C. § 2241, alleging that Respondent wrongfully denied him admission into the Bureau of Prisons' Residential Drug Abuse Treatment Program. By Standing Order, this case was referred to United States Magistrate Judge R. Clarke VanDervort for preparation of a Proposed Findings and Recommendation. To expedite the disposition of this case, the Court hereby **VACATES** the Standing Order, but only as to its entry in this case.

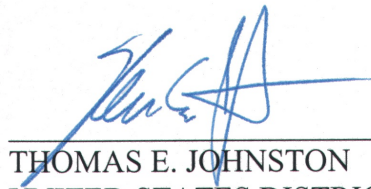
Article III, Section 2 of the United States Constitution provides that federal courts may adjudicate only live cases or controversies. *See Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477 (1990). This means that the "litigant must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision." *Id.*

The Bureau of Prisons' Inmate Locator indicates that Petitioner was released from custody on November 1, 2006. In this case, by virtue of Petitioner's release, the Respondent can no longer provide the requested relief, *i.e.*, admit him into its residential drug abuse treatment program.

Consequently, Petitioner's claims are rendered moot by virtue of his release from custody on November 1, 2006.

Based on the above, the Court **DISMISSES** this case from the Court's docket. A Judgment Order will be entered this day implementing the rulings contained herein.

ENTER: February 29, 2008

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE